

IN THE SENATE OF THE UNITED STATES.

JANUARY 5, 1883.—Ordered to be printed.

Mr. VEST, from the Committee on Territories, submitted the following

R E P O R T:

[To accompany bill S. 2317.]

The Committee on Territories, to whom was referred the annexed letter (see Appendix A) from the Secretary of the Interior, "transmitting, in answer to a Senate resolution, copies of agreements with certain parties for privileges in Yellowstone Park," beg leave to submit the following report:

By act of Congress approved March 1, 1872, a tract of land in the Territories of Wyoming and Montana, lying near the waters of the Yellowstone River, and containing about 3,300 square miles, was "dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people." (See Appendix B.)

Section 2 of said act provides as follows:

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition.

The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for the purpose of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Approved March 1, 1872.

Under the power conferred by this section of the act the Secretary of the Interior has executed the contract set forth in Appendix A, and proposes also to execute the lease annexed to the contract.

It is evident from this contract and proposed lease that a monopoly or exclusive privilege to erect hotels and run stages, and to construct and operate telegraph lines within the Park, is created for the term of ten years, the parties having this monopoly to pay a nominal rent not exceeding \$2 per acre for 4,440 acres of the Park, on which are situated the objects of curiosity and interest most attractive to visitors.

By the terms of the act of dedication (see Appendix A) it is not entirely clear that the Secretary of the Interior has the power to make any contract in regard to stages or other means of transportation

within the Park, such as is set forth in the contract and lease. The power is nowhere expressly conferred upon him by the act, and if it exists at all can only come from the provision giving the Secretary of the Interior exclusive control of the Park. By specifically naming the matters of preserving the game, protecting the Park from spoliation, and granting leases for building hotels, it would seem that Congress intended to exclude all other powers, including that as to transportation.

But without discussing this point farther, it seems evident to the committee, from the entire scope and terms of the act of March 1, 1872, that Congress did not intend that the Secretary of the Interior should, under the provision giving him discretion to grant leases for building purposes of small parcels of ground, place under the exclusive control of private parties 4,440 acres of the Park, embracing all the objects and points of interest which make the Park valuable for the purpose to which it is dedicated.

By the terms of the lease no one, without permission from the lessees, could camp within one mile of the principal points of interest in the Park. The Geysers, the Great Falls, the waters of the Yellowstone Lake, are all placed under the control of the parties named as lessees. It is true that the lease provides that the lessees shall not prevent the public from having free access to the curiosities, wonders, and points of interest in the Park, but this provision would not extend farther than to permit the public to visit and inspect these curiosities and objects of interest, whilst giving to the lessees the right to prohibit visitors from camping or remaining upon their grounds.

The virtual and real effect of the contract and lease is to put the entire Park, containing 3,300 square miles, under the control of the lessees for a term of ten years at a nominal yearly rent of a few thousand dollars.

The Geysers, Great Falls, and Yellowstone Lake constitute the only attractions to visitors, and aside from these the Park is absolutely worthless as a place of resort to the public. When, therefore, private parties are given the possession and control of tracts of land around each of these objects of interest, amounting to 640 acres in each tract, it amounts to the possession and control of the entire Park.

It is difficult to understand why seven tracts of land, upon which are located the Geysers and other objects of interest, and aggregating in amount 4,440 acres, should be included in the lease for hotel purposes, when the lessees only bind themselves in the sixth article of the contract to erect within the limits of the Park one hotel building, with necessary out-houses and bath-houses.

Whilst it may be necessary to make some provisions for the accommodation of visitors to the Park, in the way of hotels, and stores for the sale of goods and supplies, the ground leased should not exceed the amount necessary for building sites, and so much land as might be used for garden, or the grazing of domestic animals require in the business of the hotels.

Nor does it seem necessary or right that the exclusive privilege of keeping hotels in the Park, or furnishing transportation to visitors and tourists, should be given to any parties, however worthy or respectable. The principle is wrong, to begin with, and odious to the entire people of the country.

It is urged in defense of the monopoly, that it must be created in order to induce persons of capital and enterprise to furnish proper and sufficient accommodations to the public. The assumption is false and unfounded. If the public wish to visit the Park, enterprise and capital

will very soon discover the fact, and be ready to meet the demand. Experience shows that in this country not only will capital be found for any paying enterprise, but competition will soon bring about improvement in the nature of the accommodations, and cheapness in rates. Besides, the Secretary of the Interior will always, under the law, have exclusive control of the Park, and no building can be erected or remain within its limits, except by his permission. This insures, under a faithful attention to the law and the interests of the public, the absence of all nuisances under the guise of hotels, and of all extortion.

The monopoly feature in the contract and lease should be stricken out, and no contract should be executed by the department which does not reserve the right to permit other hotels to be erected within the Park, if, in the judgment of the Secretary, the interests of the public so require. As to the means of visiting the Park, there should be no restriction of any kind, but every visitor should be at liberty to go in such vehicles and after such fashion as may suit either his purse or inclination.

The Secretary of the Interior transmits to the Senate a copy of the letter addressed by him to James I. Brisbin, esq., giving him the privilege of putting a steam-vessel for carrying passengers on Yellowstone Lake, but upon what conditions or under what restrictions this permit was given does not appear. So far as the committee is informed by the communication, the party running the vessel is under no restrictions whatever, either as to the capacity of the vessel, the accommodations furnished, or the rates charged. If such permission be granted at all, it should certainly be so guarded as to insure the comfort of visitors and the absence of extortion. Nothing but absolute necessity, however, should permit the great National Park to be used for money making by private persons, and in our judgment no such necessity exists.

The purpose to which this region, matchless in its wonders and grandeur, was dedicated, "a public park or pleasure ground for the benefit and enjoyment of the people," is worthy the highest patriotism and statesmanship.

If Congress shall do its duty and perfect the idea contained in the act of 1872, it will be no longer necessary for Americans to visit the Alps in order to enjoy mountain scenery. No other region can rival in wonders and attractions the Yellowstone Park. Within the limits of this report it is impossible to do more than refer to other sources of information as to what has been well named "The Wonder Land," but those who desire to read full descriptions of this region will be well repaid by the reports of Mr. Norris, the superintendent of the Yellowstone National Park, contained in Ex. Doc. 1, Part 5, Vol. 2, Forty-sixth Congress, third session, and Ex. Doc. 1, Part 5, Vol. 2, Forty-seventh Congress, first session. Also the two reports of Lieutenant-General P. H. Sheridan to the War Department, dated September 20, 1881, and November 1, 1882.

From the journal of Lieut. Col. James F. Gregory, aid-de-camp of General Sheridan, contained in the report of 1881, the following interesting description is taken :

August 26, Friday.—Remained in camp. Yesterday afternoon was principally occupied in watching Old Faithful, whose regularity of eruption makes her, perhaps, the most interesting of the group. On yesterday and to-day we have seen play all of the large geysers of the group except the Giant and Giantess. To day we visited them on horseback, and were rewarded by seeing many of them play. Yesterday the Grand played twice, but we were half a mile away ; so to-day we went over to it at 3 p. m., and sat around on the rocks and under the trees until 5.45 p. m., when our patience was rewarded by a grand display. There were eight distinct eruptions, the later ones higher but of briefer duration than the earlier ones, and the total time of

eruption was 22 minutes. The aperture is about 4 feet in diameter, and the height to which the water is thrown is said to be over 200 feet. Yesterday and to-day we have seen eruptions of the following-named geysers, some of them more than once, and Old Faithful a great many times, viz: Fountain, Old Faithful, Bee-Hive, Lion, Lioness, Castle, and Splendid.

Our men made Old Faithful useful as well as ornamental by throwing their soiled clothes into the crater during the period of quiescence. With the eruption, which occurs every sixty-five or sixty-seven minutes, the clothes are thrown high in the air, two hundred or more feet, and when picked up are found to be perfectly washed. Cotton and linen clothes were not injured, but woolen shirts and pants were usually torn to shreds.

As we rode from geyser to geyser over crusts of rock which betoken, by the hollow sound of the horses' footsteps and by the spurts of hot water and jets of steam constantly and everywhere exhibited, the thinness of the stratum between us and the caverns below, the curious fact that the horses did not mind these things at all could not fail to be impressed upon one. They stood with wide-open eyes and pricked-forward ears within, sometimes, a hundred feet or so of an eruptive geyser—an awe-inspiring spectacle to man—without betraying any appearance of fear.

Mr. Norris, the superintendent of the Park, is doing a good work in making wagon roads to the principal points of interest and trails to the less important ones. If in addition some means could be devised to stop and prevent the vandalism which seems to pervade the average American citizen, and restrain his or her, especially *her*, propensities to hammer and chip off rocks, to break down and destroy every growing thing, and to fill up with trees, sticks, &c., the wonderful craters, a great indebtedness would be felt by every person appreciative of these greatest natural wonders of the world. The beauty of Old Faithful's crater as well as that of the other geysers has been greatly marred in this way, and the work of destruction is rapidly going on. We saw persons with hatchets who were hammering and cracking the beautiful tracery around the geysers, without even the poor excuse of obtaining specimens, as they did not take away what they broke off. They destroyed for the pleasure they had in their work.

In the summer of 1882, General Sheridan again visited the Park, and the following extracts from his report deserve the earnest attention of Congress:

The geysers in the National Park presented nearly the same conditions as in the previous year, but there seemed to be greater action on the part of some of them. Old Faithful, the Bee-Hive, and the Grand showing a marked increase in their efforts. The Sheridan has been very violent, wearing out the crater until the diameter has enlarged from seventy feet to about one hundred and twenty-five feet. Quite a large section of the crater next to the Fire Hole River has been torn out, an dat each eruption an immense volume of water is emptied into that river. The bed of the river contains many large blocks of stone, thrown out by the violent action which has taken place. On arriving at the railroad, I regretted exceedingly to learn that the National Park had been rented out to private parties. The place is worthy of being a national park, the geyser phenomena and the Yellowstone cañon having no parallel in any nation. The improvements in the Park should be national, the control of it in the hands of an officer of the government, and small appropriations be made and expended each year, for the improvement of roads and trails. It has been now placed in the hands of private parties for money-making purposes, from which claims and conditions will arise that may be hard for the government and the courts to shake off. The game in the Park is being killed off rapidly, especially in the winter. I have been credibly informed that, since its discovery, as many as four thousand elk were killed by skin hunters in one winter, and that even last winter, in and around the edges of the Park, there were as many as two thousand of these grand animals killed, to say nothing of the mountain sheep, antelope, deer, and other game, slaughtered in great numbers. I would like to see the government extend this Park to the east as far as a north and south line through Cedar Mountain—this would be due east about forty miles—at the same time placing the southern boundary of the Park at the 44th parallel of latitude, which would be due south ten miles. This would increase the area of the Park by 3,344 square miles, and would make a preserve for the large game of the West, now so rapidly decreasing. This extension would not be taking anything away from the people, as the territory thus annexed to the Park can never be settled upon. It is rough, mountain country, with an altitude too high for cultivation or winter grazing for cattle. The game is now being driven toward the Park, and if we keep out the skin hunters, the game will naturally drift to where it can find protection. This year I noticed that buffalo were on the edge of the Park, and the elk, deer, antelope, and big-horn sheep, from the Big Horn Mountains, are all drifting to the section of country which would be included in the National

Park if it were extended as I recommend. I respectfully make an appeal to all sportsmen of this country, and to the different sportsmen's clubs, to assist in getting Congress to make the extension I describe, thus securing a refuge for our wild game. If authorized to do so, I will engage to keep out skin hunters and all other hunters, by use of troops from Forts Washakie on the south, Custer on the east, and Ellis on the north, and, if necessary, I can keep sufficient troops in the Park to accomplish this object, and give a place of refuge and safety for our noble game. If any of the game which will naturally drift to this place of safety, break out again, let it be killed, but let its life be made safe while in the National Park; it will then soon learn to stay where it will be unmolested.

In this connection the letters of Hon. John Schuyler Crosby, governor of Montana, and of General D. B. Sacket, Inspector-General, U. S. A., hereto annexed, marked Exhibits C and D, will be found interesting.

It is evident from the reports of the superintendent and General Sheridan, the letters of Governor Crosby and General Sacket, and from information derived by the committee from other reliable sources, that unless some measures are immediately taken by the government, the noble game inhabiting the Park will be utterly destroyed in a very few years. The enlargement of the Park as proposed by General Sheridan seems most advisable, and, so far as the committee can ascertain, there are no private rights as to mining interests or otherwise affected by the proposed extension. The additional territory embraced in the extension is unfitted for any agricultural or grazing purposes, being a wild mountainous region, containing natural formations which excel, if possible, the wonderful objects within the existing boundaries.

If added to the present area the Park would contain some 6,644 square miles of mountain scenery, unequalled in sublimity and interest upon the face of the globe, and making a park worthy not only of a nation, but of the universe.

Within this large territory the game could find secure retreat, and the employment of one or two companies of cavalry, or mounted police as suggested by General Sheridan, would exclude the mercenary wretches who slaughter these noble animals for profit.

At present the small appropriation annually made by Congress for the purpose, does not furnish the superintendent with a sufficient number of men to police the Park and prevent destruction of the game or natural objects of interest. Nor is there any tribunal or court having jurisdiction of any kind over the Park. In order to meet this obvious necessity and the views hereinbefore expressed, the committee have drawn up a bill which they beg leave to submit, extending the area of the Park as suggested by General Sheridan, placing it within the criminal jurisdiction of the Territorial courts of Montana Territory, as to crimes against life or private property, and creating a police jurisdiction within the Park for the arrest and preliminary examination of such criminals and for the punishment of offenders violating the regulations made by the Secretary of the Interior for the preservation of the game and public property.

This legislation, enforced by the presence of a sufficient force of cavalry or mounted police, and accompanied by liberal appropriations annually, to be applied to the construction of bridges, and the improvement of roads within the park; will, in the opinion of the committee, effectually preserve the game and objects of interest from wanton destruction, and give to the people forever "a public park or pleasure ground for their benefit and enjoyment," unequalled in the world.

APPENDIX A.

[Senate Ex. Doc. No. 10, Forty-seventh Congress, second session.]

Letter from the Secretary of the Interior, transmitting, in answer to Senate resolution of the 7th instant, copies of agreements with certain parties for privileges in Yellowstone Park.

DECEMBER 11, 1882.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 11, 1882.

SIR: In compliance with a resolution of the Senate passed on the 7th instant directing "the Secretary of the Interior to transmit to the Senate copies of any contracts entered into by the Interior Department in regard to leasing the Yellowstone National Park, or any part of said park, to any person or company, with the privilege of erecting hotels, constructing telegraph lines, and running stages therein, together with such other information as to the condition and management of the park as he may think important," I have the honor to transmit herewith a copy of an agreement made by this department on the 1st of September last with Messrs. Carroll T. Hobart, of Fargo, Dak., and Henry F. Douglas, of Fort Yates, Dak., and also a copy of a letter of this department to Maj. James S. Brisbin, U. S. A., dated July 27, 1882, granting him the privilege of running a steamboat on the Yellowstone Lake. These are the only agreements granting privileges in the Yellowstone Park which have been made by this department up to this date.

During the past summer reliable reports were frequently received at this department that the cones of the great geysers were being defaced by visitors; that the forests upon large tracts of the park were being destroyed by their carelessness in kindling fires, and that the game was also being rapidly destroyed.

In view of these and the further fact that competent persons estimate that during the coming season thirty thousand tourists will visit the park, and that there are no suitable accommodations for visitors and no means to protect the curiosities within the park from injury, it became important to adopt measures to protect the park with the least possible expense to the government. This department therefore determined, under the authority given by the act of Congress approved March 1, 1872, to lease portions of the park to responsible parties who would take a large force of persons there who would be interested in its care and protection. This was the view upon which the contract with Messrs. Hobart and Douglas was made. I inclose herewith a copy of an agreement which this department proposes to execute with Messrs. Hobart and Douglas, and Rufus Hatch, of New York City, to carry out the purposes of the original agreement. It is believed that the course pursued is the best which could be adopted for carrying out the purposes for which the park was set aside.

Very respectfully,

H. M. TELLER, *Secretary*.

The PRESIDENT OF THE SENATE *pro tempore*.

AGREEMENT.

This agreement, made and executed the first day of September, 1882, by and between Merritt L. Joslyn, Acting Secretary of the Interior, for and on behalf of the United States, party of the first part, and Carroll T. Hobart, of Fargo, Dakota Territory, and Henry F. Douglas, of Fort Yates, Dakota Territory, parties of the second part, for themselves, their heirs, executors, and assigns, and such other parties as may hereafter be associated with them: Witnesseth, That the said parties have covenanted and agreed, and by these presents do covenant and agree, to and with each other as follows:

ARTICLE 1. That the said party of the first part, by virtue of the authority conferred by an act of Congress entitled "An act to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park," approved March 1, 1872 (Stats., Vol. 17, ch. xxlv, now sections 2474 and 2475 of the Revised Statutes), and in consideration of the rents, covenants, and agreements hereinafter and by these presents mentioned, reserved, and contained, hereby agrees to lease unto the said parties of the second part such parcels of land within the said park as may be selected by the said parties of the second part, necessary to fully carry out the objects and purposes hereafter mentioned of the parties to this agreement; the location of said land and the quantity thereof to be subject to the approval of the Secretary of the Interior. And the party of the first part hereby agrees that upon the receipt of surveys and plats of such locations, to be made and presented by or on behalf of the parties of the second part and without expense to the United States, he will execute and de-

liver unto the parties of the second part a valid lease for a term of not exceeding ten years for such parcels and quantity of land as may in the discretion of the Secretary of the Interior be necessary for the purposes of this agreement as hereinafter set forth, and not incompatible with the interests of the government and the objects for which the said park was established.

ARTICLE 2. And the party of the first part hereby agrees to permit the party of the second part to use for the purpose of constructing the building hereinafter mentioned and for proper repairs and additions to the same and for fuel for heating such buildings and for telegraph poles and other necessary uses and objects, so much of the timber, coal, and other material within the said park as may be required for such purpose and not necessary to be reserved for the use and purposes of said park as declared in said act of Congress or by the regulations of the Department of the Interior; to be taken from such parts only of the park as may be designated by the Secretary of the Interior or other person duly authorized on behalf of the United States. And the parties of the second part agree to keep or cause to be kept a true and faithful account of all such timber and other materials taken from the park and used by them at any time for the purposes aforesaid, and to furnish quarter-annually a statement of the same to the Secretary of the Interior, commencing on the first day of January, 1883.

ARTICLE 3. And the party of the first part hereby agrees that the parties of the second part shall have the use of arable land within the park (the quantity and location of the same to be subject to the approval of the Secretary of the Interior) for the purpose of raising supplies of vegetables, grain, and forage for the use of the parties of the second part within the park. This privilege to be revoked at any time whenever the Secretary of the Interior may deem such revocation to be necessary for the protection of the public interests.

ARTICLE 4. And the party of the first part hereby agrees to permit the parties of the second part to have and enjoy the free use of the waters of the park for supplying the hotel and other buildings (including bath-houses) hereinafter mentioned, and for use as power for such machinery as may be erected by them in pursuance of the terms of this agreement: *Provided, however,* That no appropriation of such waters by the parties of the second part shall exceed the quantity required for necessary and convenient use of the same except as may be required for the purposes herein specified. And nothing herein contained shall be construed as conferring upon the parties of the second part the privilege of altering the natural courses of any of the waters of the park or diverting the same without the approval of the Secretary of the Interior first obtained.

ARTICLE 5. And in consideration of said lease and of the other privileges herein mentioned and granted by the party of the first part, the parties of the second part agree to pay unto the Secretary of the Interior such annual rental for the land to be leased to them, as herein provided, as may hereafter, and upon the execution of a lease therefor, be mutually agreed upon, not to exceed the sum of two dollars (\$2) per acre.

ARTICLE 6. And the said parties of the second part agree to erect or cause to be erected, within the limits of the Yellowstone National Park, one principal building, to be used and operated by them, or under their control and direction, as a hotel, and such auxiliary buildings, including bath-houses, as may be necessary and adequate to the accommodation of visitors to the park. Said hotel and other buildings and bath-houses to be erected upon sites to be designated by the Secretary of the Interior, and of such design and dimensions as he may approve.

ARTICLE 7. And the parties of the second part agree to provide and equip such lines of stages and such other livery accommodations as may be deemed necessary by the Secretary of the Interior for the comfortable and expeditious conveyance of passengers to and from the boundaries of the park nearest the most convenient and accessible railway station or stations, and to and from all the points within the park, of interest to visitors; and to furnish guides to point out to visitors the natural curiosities and wonders within the park.

ARTICLE 8. And the parties of the second part hereby agree to place upon the waters of the park yachts and other sail-boats and row-boats for the use and pleasure of the visitors to the park: *Provided, however,* That nothing herein contained shall be construed to conflict in any way with any privilege which may have been heretofore granted by the Secretary of the Interior to any other person or persons for the building and operating of a steamboat upon the Yellowstone Lake.

ARTICLE 9. And the parties of the second part hereby agree to construct and operate a line of telegraph from the hotel herein provided for and such other points within the park as may be required for the public convenience and accommodation, and to receive and transmit upon said telegraph line, free of charge, all messages to and from any officer or employé of the United States relating to government business.

ARTICLE 10. And the parties of the second part hereby agree to establish stores or trading stations at such points within the park as may be required by the necessities of the public and approved by the Secretary of the Interior.

ARTICLE 11. And the parties of the second part hereby agree to prepare and submit to the Secretary of the Interior an itemized schedule or tariff of the charges to be paid for each and every accommodation furnished and service rendered by them as herein provided; and no charges shall be demanded or received from any person by or on behalf of the parties of the second part until such schedule of items and charges shall be approved by the Secretary of the Interior; nor shall any payment be at any time demanded or received by or on behalf of the parties of the second part, or any person in their employ or under their control, for any accommodation or service not specified in said schedule or tariff approved by the Secretary of the Interior, nor in any greater amount than therein approved.

ARTICLE 12. And the parties of the second part hereby agree to observe and obey at all times such rules and regulations as have been, or may hereafter be, from time to time, established and published by the Secretary of the Interior, or by his direction, for the care and management of the park, and to require and enforce obedience to the same on the part of all persons employed by them or under their control within the said park. And they further agree to require that all persons employed by them or under their control at any time within the said park shall wear a uniform or badge by which they may be known and distinguished as the servants or employés of the said parties of the second part; and that they will not employ or retain in their service in any capacity, or permit to remain upon any of the premises or within any building herein mentioned or provided for, or which may hereafter be occupied or controlled by the parties of the second part within the said park, any person or persons whose presence within the said park shall be deemed and declared by the Secretary of the Interior, or by such officer as may represent him in the immediate management and superintendence of the park, to be subversive of the good order and management thereof.

ARTICLE 13. And it is agreed by and between the parties hereto that in case of a failure to renew such lease or leases, or any part of the same, or to enter into new terms for continuance of possession, by said parties of the second part, the buildings upon such sites and the permanent improvements thereon, or on any of such sites, surrendered to the government, shall become the sole and absolute property of the United States, subject to such compensation therefor as may be granted by Congress; it being also expressly understood that nothing herein shall be construed to bind or commit the United States to the payment of any sum or amount of money or other compensation whatsoever; but the said parties agree to leave the whole subject-matter of such compensation to the just judgment and consideration of Congress.

ARTICLE 14. And it is agreed by and between the parties hereto that each and every clause of this agreement wherein the parties of the second part stipulate and agree to perform any act tending to the entertainment, comfort, convenience, or pleasure of visitors to the park shall be construed not only as an obligation on the part of the parties of the second part to perform such agreement, but also as a grant on the part of the party of the first part of the privilege to do and perform such act. And in consideration of the covenants, agreements, and stipulations of the parties of the second part herein contained the party of the first part hereby agrees that the parties of the second part shall have and enjoy the privileges herein and hereby conferred and granted, to the exclusion of any other person or persons, for the term of ten years commencing from the date of the first lease hereafter to be granted under the provisions and stipulations of this agreement.

ARTICLE 15. And it is expressly understood by and between the parties hereto that each and every of the covenants, agreements, and stipulations herein set forth shall be subject to such rules and regulations as may have been or may hereafter be made and published by the Secretary of the Interior, or by his direction and authority, for the proper care, management, and improvement of the park or for fully carrying into effect the objects and purposes of the act of Congress by which the park was established and set apart. And the repetition of this provision in any clause of this agreement shall not be construed as a waiver of the same as regards any other clause or clauses.

ARTICLE 16. And it is expressly understood by and between the parties hereto that no transfer or assignment of any lease made by the party of the first part, in pursuance of this agreement, or of any privilege hereby conferred, shall be valid or recognized by the party of the first part, unless such assignment be first approved by the Secretary of the Interior.

ARTICLE 17. And it is further agreed that, before the party of the first part shall be bound by this agreement, the parties of the second part shall furnish a joint and several bond in the sum of ten thousand dollars (\$10,000), duly executed to the United States of America, with two or more good and sufficient sureties; said bond to be conditioned for the faithful performance of this agreement in all its particulars, by the parties of the second part.

ARTICLE 18. And it is agreed by and between the parties hereto that no member of

or delegate to Congress, officer, agent, or employé of the government shall be admitted to any share or part in this agreement, or derive any benefit to arise therefrom.

ARTICLE 19. And it is further agreed by and between the parties hereto that this agreement may, by mutual consent, be changed, altered, modified, or abrogated, in whole or in part.

In witness whereof the undersigned have hereunto subscribed their names and affixed their seals the day and year first above written.

M. L. JOSLYN,
Acting Secretary of the Interior.
CARROLL T. HOBART.
HENRY F. DOUGLAS.

Witnesses:

URI J. BAXTER.

EDWD. M. DAWSON.

Executed in duplicate.

—————
COPY OF PROPOSED LEASE.

Whereas, in the first article of an agreement made and executed on the first day of September, 1882, by and between Merritt L. Joslyn, Acting Secretary of the Interior, for and on behalf of the United States, of the first part, and Carroll T. Hobart and Henry F. Douglas of the second part, for themselves, their heirs, executors, and assigns, and such other persons as might thereafter be associated with them, the party of the first part agreed to execute and deliver unto the parties of the second part a valid lease, for a term of not exceeding ten years, for such parcels of land within the Yellowstone National Park as the Secretary of the Interior, in his discretion as to the location and quantity of the same, should deem necessary to carry out the purposes mentioned in said agreement;

And whereas the said Carroll T. Hobart and Henry F. Douglas have notified the Secretary of the Interior in writing, under date of the 6th day of December, 1882, that they have associated with themselves Rufus Hatch, of the city of New York, for the purpose of keeping and performing the covenants and purposes contained and set forth in said agreement: Now, therefore,

This indenture, made this — day of —, 1882, between Henry M. Teller, Secretary of the Interior, for and on behalf of the United States, party of the first part, and Carroll T. Hobart, of Fargo, Dakota, and Henry F. Douglas, of Fort Yates, Dakota, and Rufus Hatch, of the city of New York, parties of the second part, witnesseth:

That the said parties have covenanted and agreed, and by these presents do covenant and agree to and with each other, as follows:

That the said party of the first part, by virtue of the authority conferred by, and subject to the provisions and limitations contained in, an act of Congress entitled "An act to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park," approved March 1, 1872 (Statutes, vol. xvii, ch. xxiv, now sections 2474 and 2475 of the Revised Statutes of the United States), and in accordance with the provisions of the contract aforesaid, and in consideration of the rents, covenants, and agreements hereinafter and by these presents mentioned, reserved and contained, doth grant, demise, and lease unto the said parties of the second part the tracts and parcels of land lying within the Yellowstone National Park, described as follows:

1. Beginning at center of "Liberty Cap," thence N. 45° E. 3733 $\frac{5}{16}$ ft. to a corner A, thence due west one mile to a corner, thence south one mile to a corner, thence east one mile to a corner, thence north one mile to a corner marked A, containing six hundred and forty acres.

2. Beginning at center of "Old Faithful," thence N. 45° E. 3733 $\frac{5}{16}$ ft. to a corner marked A, thence due west one mile to a corner, thence south one mile, thence east one mile to a corner, thence north one mile to a corner marked A, containing six hundred and forty acres.

3. Beginning upon south bank of Madison River, at a point one mile east from the western boundary line of the park, thence south one-half mile to a corner, thence east one mile to a corner, thence north one mile to a corner, thence west one mile to a corner, thence south one-half mile to the place of beginning, containing six hundred and forty acres.

4. Beginning at the center of "Soda Springs," thence N. 45° E. 3733 $\frac{5}{16}$ feet to a corner marked A, thence west one mile to a corner, thence south one mile to a corner, thence east one mile to a corner, thence north one mile to a corner marked A, containing six hundred and forty acres.

5. Beginning at the center of Baronets Bridge, thence N. 45° E. 3733 $\frac{5}{16}$ feet to a corner, thence west one mile to a corner, thence south one mile to a corner, thence

east one mile to a corner, thence north one mile to the place of beginning, containing six hundred and forty acres of land.

6. Beginning at the head of Cañon or Great Falls, upon the westerly bank of the Yellowstone River, thence N. 45° E. 3733 $\frac{5}{6}$ feet to a corner, thence west one mile to a corner, thence south one mile to a corner, thence east one mile to a corner, thence north one mile to place of beginning, containing six hundred and forty acres of land.

7. Beginning upon the bank of the Yellowstone Lake at the outlet, thence easterly along the bank of the lake one-half mile to a corner, thence north one-half mile to a corner, thence west one mile to a corner, thence south to the bank of the lake, thence northeasterly along the bank of the lake to the place of beginning, containing six hundred acres of land, more or less.

To have and to hold the above-described land unto the said parties of the second part and their heirs, executors, administrators, and assigns for and during the term of ten years, commencing from the — day of —, 1882, and ending on the — day of —, 1892, the parties of the second part paying rent therefor as hereinafter stated. And the party of the first part for himself and his successors in office, on behalf of the United States, hereby covenants and agrees that the parties of the second part shall have and enjoy the quiet and peaceable possession of the said land during the term aforesaid, subject to the conditions and limitations hereinafter set forth.

And the parties of the second part, in consideration of the leasing of the land aforesaid, do covenant and agree with the said party of the first part to pay, or cause to be paid, to the Secretary of the Interior, at his office in the city of Washington, or to such person and at such place as he may designate, a rental at the rate of — dollars per year, commencing from the date and continuing for and during the term hereof, for each and every acre of land hereby leased unto the said parties of the second part. Said rental to be paid in equal quarter annual instalments, the first of such payments to be made on or before the thirtieth day of March, 1883, and the succeeding payments to be made on or before the last day of each and every succeeding quarter.

And the said parties of the second part hereby covenant with the party of the first part, that at the expiration of the term mentioned in this lease, or upon the ending of said term by election of the party of the first part, as hereinafter provided in case of default of payment of rent in the manner stipulated, or failure to observe and keep the covenants herein contained, and also the covenants contained in the agreement before mentioned, dated September 1, 1882, to be observed and kept by the said parties of the second part, that they will peaceably surrender and deliver up the said demised land to the said party of the first part or his successor in office.

It is expressly understood and agreed by and between the parties aforesaid that if the rent above reserved, or any part thereof, shall be unpaid on the day and at the place of payment whereon the same ought to be paid as aforesaid, or if default shall be made in any of the covenants herein contained, or in any of the covenants contained in the agreement hereinbefore mentioned, dated September 1, 1882, to be kept by the said parties of the second part, or their executors, administrators, and assigns, and if the parties of the second part shall not make such payment of rent or keep and perform such agreement within ninety days after due notice of default therein to be given to the parties of the second part in writing by the Secretary of the Interior, or his authorized agent, then it shall and may be lawful for the said party of the first part, or his successor in office, agent or attorney, at his or their election, to declare this lease forfeited and the term thereof ended, and the demised land, or any part thereof, either with or without process of law, to re-enter, and the parties of the second part, or any other person or persons occupying, in, or upon the same, to expel, remove, and put out, using such force as may be necessary in so doing, and the said premises again to repossess in behalf of the United States; and in the event of any rent being due and unpaid, whether before or after such forfeiture, to distrain for any rent that may be due upon any property belonging to the said parties of the second part, whether the same be exempt from execution or distress by law or not; and the said parties of the second part hereby waive all legal right which they may have to hold or retain any such property under any exemption law in force in or over the said National Park; meaning and intending thereby to give to the party of the first part a valid and first lien upon any and all the buildings, goods, chattels, or other property belonging to the said parties of the second part, within the said park, as security for the payment of said rent in manner aforesaid, anything herein contained to the contrary notwithstanding.

And it is further agreed by and between the parties hereto that the parties of the second part may occupy, subject to the terms and conditions of this lease, such other parcels of land within the said park as the Secretary of the Interior may designate, and that they will erect thereon such buildings as he may deem necessary for the accommodation of visitors to the park.

And it is expressly agreed by and between the parties aforesaid, that the said demised land shall be held, occupied, and used by the parties of the second part for the sole and exclusive purpose of executing and performing the covenants to be kept by the parties

of the second part named in the agreement hereinbefore mentioned entered into on the first day of September, 1882

And the parties of the second part shall not have the right to mine or remove from said demised land any gold, silver, copper, or other precious mineral; nor to mine any coal, or cut or remove therefrom any timber excepting for the purposes and under the restrictions set forth in article 2 of the agreement dated September 1, 1882.

And it is understood by and between the parties hereto that the parties of the second part shall have control (subject to such rules and regulations as have been or may hereafter be prescribed by the Secretary of the Interior) over the natural curiosities and wonders lying within the limits of the land hereby demised, to prevent the injury or destruction of the same, but in no wise to interfere with the supervision of the government over said park. And the parties of the second part hereby agree not to permit any person in their employ or under their control to injure or destroy any mineral deposit, natural curiosity, or wonder lying within or situated upon the land hereby demised. And the said parties of the second part further agree, in consideration of the said lease and without further charge or claim for compensation from the United States, to aid and assist the Secretary of the Interior or the lawfully appointed agents of the government in the preservation and retention of said mineral deposits, curiosities, and wonders in their natural condition: *provided*, however, and it is expressly understood, that nothing herein contained shall be construed as conferring upon the parties of the second part any right or privilege to restrict or prevent, or in any way interfere with the free and unrestrained access of the public to any of the curiosities, wonders, and other points of interest to visitors within the said park. Nor, in case any of the land hereby demised shall border upon the Yellowstone Lake or other of the waters of the park, as conferring upon the parties of the second part a right to interfere with the approach of boats to said land and the landing of passengers thereon.

And it is further agreed that if upon any survey hereafter made of the land hereby demised any error of description be discovered, the description of said land herein contained shall be corrected to correspond with such survey.

And it is understood by and between the parties hereto that no transfer or assignment of this lease shall be valid or recognized by the party of the first part unless such assignment be first approved, in writing, by the Secretary of the Interior.

And it is further agreed by and between the parties hereto that the several covenants and stipulations contained and set forth in the agreement hereinbefore mentioned, dated September 1, 1882, shall be, and are hereby, made a part of this lease so far as they may be applicable thereto.

And it is further agreed by and between the parties hereto that no Member of or Delegate to Congress, officer, agent, or employé of the government shall be admitted to any share or part in this agreement, or derive any benefit to arise therefrom.

DEPARTMENT OF THE INTERIOR,
Washington, July 27, 1882.

SIR: The privilege of putting a steam-vessel for carrying passengers on the Yellowstone Lake in the Yellowstone National Park, requested by you in your letter of the 12th instant, is hereby granted.

When the steamer is completed, the law relative to the inspection of steam-vessels should be complied with.

The superintendent of the park has been notified of this grant.

Very respectfully,

H. M. TELLER,
Secretary.

JAMES S. BRISBIN, Esq.,
Fort Keogh, Montana.

APPENDIX B.

ACT OF DEDICATION.

AN ACT to set apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of land in the Territories of Montana and Wyoming lying near the headwaters of the Yellowstone River, and described as follows, to wit: commencing at the junction of Gardiner's River with the Yellowstone River and

running east of the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along the said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people; and all persons who shall locate, settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition.

The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for the purpose of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

Approved March 1, 1872.

APPENDIX C.

CHICAGO, *December 29, 1882.*

MY DEAR SENATOR: In compliance with your wish, expressed to me on the floor of the Senate Chamber, early in December, that I should give my views on the subject of game-protection in the Yellowstone National Park, I have the honor to address this note to you and should be glad to have a subject so important to Montana and to the national interest in the Yellowstone Park laid with this letter before the Committee on the Territories, of which you are a member, and also, should you think proper, before Congress.

From careful examination of Congressional legislation creating the National Park (see sections 2474, 2475, Revised Statutes), and of the Territorial laws of Montana, the report of my predecessor, and the expressed wish of influential citizens of this Territory, I judge that the preservation of the large game of the Northwest in the Park and in the Territory of Montana would accord with the sentiments of the public. Congress has enacted that the honorable the Secretary of the Interior shall provide against the wanton destruction of the game within the Park itself, and against their capture for the purpose of merchandise or profit. The laws of Montana to a like end, for the game within the borders, are explicit. The Territorial laws of Montana for 1879 protected the bison, or buffalo, for ten years from that date in the counties of Madison, Jefferson, Deer Lodge, and Lewis and Clarke, somewhat contiguous to the Yellowstone Park; and the beneficial effect of this legislation seems to be indicated by the Lieutenant-General, Sheridan, in his report of 1881, that "this year I noticed that buffalo were on the edges of the Park." The Territorial laws of Montana also wisely provide that none of the large graminivorous game shall be killed during breeding season, and absolutely prohibits the hunting of elk, antelope, and mountain sheep with dogs at any time, in any part of the Territory. The killing of any of the animals above named for their skins and not for food is prohibited under heavy penalties, and, still further to protect them, bounties are given for the scalps of the panther and the bear.

Under these positive conditions of national and Territorial protection of game by statute, the splendid and interesting game animals of North America, the bison, the elk, the black and white tailed deer, the Rocky Mountain sheep, and the antelope, ought to increase and fill the thousands of square miles of the Yellowstone Park with objects of instruction to the naturalist and curious delight to the tourist from every land. Even the overflow of game from a well-preserved park of such extent would supply forever large quantities of food to the settler and the sportsman in its proper season.

So far as legislation is concerned, national and Territorial provisions, though capable of some desirable improvement, would seem to be rightly directed and reasonably efficient for their ostensible object, the protection of the large North American game in Montana and the National Park. But the report of General Sheridan presents evidence of a lamentable deficiency in the means or power of enforcement. General Sheridan states in his report, dated November 1, 1882, page 8, "The game in the Park is being killed off rapidly, especially in the winter. I have been credibly informed that since its discovery as many as 4,000 elk were killed by skin-hunters in one winter, and that even last winter in and around the edges of the Park there were as many as two thousand of these grand animals killed, to say nothing of the mountain sheep, antelope, deer, and other game slaughtered in great numbers."

The entire paragraph on page 8 of his report of 1882 is respectfully commended to your kind attention as embodying most admirable practical suggestions for protecting the rights of the people of Montana and of the whole United States against the greed or wanton cruelty of a few marauders, and in preserving and increasing the value of the most splendid game park in the world, which cannot fail to redound to the fame and profit of this magnificent Territory. I believe that the suggested increase of the area of the Yellowstone Park, the absolute protection of the game within its borders from all molestation by hunters, and enforcement by the people of Montana of their own wise and excellent game laws in the rest of the Territory, are steps auxiliary to each other and quite within the scope of legislative power. For the settler, now despoiled of his amusement and his food by wanton waste; for the Indian, made more a savage when hungry; for the naturalist, the tourist, and the true sportsman; for the reputation of this unequalled Park and Territory, the national power over the Territories is invoked to prevent a waste of life that must end in the extermination of the large game. At the moment that the invaluable Baird Commission is laboriously renovating our streams and rivers depleted of fish and striving to increase the ocean supply of food, at the moment that societies to prevent cruelty to animals are assuming national importance, the failure to protect the wild herds of the Northwest against wholesale slaughter for their pelt alone, or for the brutal and nonsportsman-like of killing, would seem a crime as well as a blunder. Our opportunities have no equal in the world. I would take the liberty to urge upon Congress the passage of a law extending the limits of the National Park eastward, as proposed by General Sheridan, inasmuch as I am informed, by officers and others who have been over the country of the Shoshone ranges of mountain between 44 and 45 north latitude, adjoining and east of the Yellowstone Park, that the altitude and general roughness of this region are such that it can never be utilized by settlers, while it is the natural habitat of the game to be preserved.

I need not suggest that the policy of making provision for the great natural interests in the Territories has been so illustrated in the past that Congressional legislation for the territorial park would seem natural and proper. So-called "sportsmen" from other lands annually destroy vast quantities of game, and return to their respective homes publicly proclaiming the large number of head they have killed, and then return again with increased forces to repeat their wanton slaughter. These and skin-hunters would be found the most violent objectors to national and local laws that should essay to protect the large game for the bona-fide settler of Montana and adjacent Territories. In the name of her hardy, industrious, and enterprising people, and of true sportsmanship everywhere, I ask for absolute protection for the game that flies to the Park for safety.

Again, I earnestly solicit your attention and consideration to General Sheridan's proposition touching the increase of the Park and the methods of enforcing the game laws within its limits. As this Park has been very properly placed under the control of the honorable Secretary of the Interior, and a certain amount appropriated for salaries, I would suggest that an engineer officer of the Army be detailed to report to the Secretary of the Interior for special duty as general superintendent of the Park, with powers and means granted to him to lay out roads and make the necessary improvements, and with authority to call upon the military stationed in the neighborhood for such details of troops as may be needed for emergencies. After laws are passed, the superintendent of the Park should be in condition to enforce them, which now is impossible. To allow the game of the Park to be harried out of it, and then to suffer its extermination in the Territory, is of course fatal to both Park and Territory. But by protecting the Park, and enlarging it, an ark of safety will be provided for the great game of North America until the flood of folly subsides, and Montana and the neighboring Territories will rejoice to find in the overflow from the Park a constant supply of game for their true sportsmen. The protection of the buffalo seems to rest on a different principle from that of other game, requiring less extensive range.

Within territorial limits the killing of game by settlers for food is natural, and in my opinion the killing of buffaloes in large quantities for food and hide is not objectionable; for, from my own experience in constant campaigning for several years on the plains from Texas to the Northern Territories, the buffalo has been replaced

between the Red River and North Platte by hundreds of thousands of cattle—far more useful animals. But nothing supplies the place of the elk, the deer, and Rocky Mountain sheep and goat, that thrive over the rough and mountainous territory that forms a large part of the National Park. Yet from neglect on the part of the general government, and State and Territorial governments also, to properly protect this game for the past fifteen years, it is impossible to find a hundred of antelope, elk, or deer, when there were formerly vast numbers. The importance of general local protection in the Territory, and of national protection by a proper responsible officer in the Park, with sufficient means and power to absolutely interdict shooting there, is vital. To permit the Park to be harried and the game stampeded into the territory left unprotected by non-enforcement of the laws, will exterminate the whole game of Montana, Idaho, and Wyoming. This would be a calamity entailing a real loss upon the people. Even little municipalities, and all great ones, add a few deer to their parks and pleasure grounds. The southern side of Mont Blanc jealously preserve its chamois; Blair Athol and the estates of Buccleuch have a world-wide reputation for their herds of deer and wild cattle; every dukedom has its preserves for a few aristocratic possessors. Why, in a country where the people are kings, should all neglect the addition to a people's park, which for its extent and the magnitude and number of its game in no land can we show an equal? A park of 5,000 square miles, with scenery sublime beyond description, and countless herds of elk, deer, antelope, buffalo, and Rocky Mountain sheep, would dwarf the preserves of any monarch in the world. The people through Congress have decreed this Park, and that its game should be free from spoliation. (See Rev. Stat., 2474, 2475.)

The citizens of Montana have already shown their purpose in the vigorous laws interdicting the hunting of large game with dogs, prohibiting the killing of it for pelt and not for food; have absolutely protected buffalo in several counties for ten years, and the other large game during breeding time throughout the Territory. The machinery for conviction is effective. Possession of buffalo green hides in the four protected counties is *prima facie* evidence of guilt. Informers are entitled to a quarter of the fine collected, and the government can change its venue. The spirit is willing, but the flesh is weak. Imprisonment instead of fine would seem more effectual to protect the people against marauders.

I would venture to recommend that transportation companies should be prohibited from carrying game unlawfully killed, as they are now prohibited from carrying fish taken by illicit means.

But the main defense against game extermination will be undoubtedly found in enlarging and protecting the great Park of the Yellowstone, which must be our future nursery of game.

As a citizen of Montana and interested in the honor of its administration, my pride and my interest are wrapped up in her future reputation and prosperity.

I should deeply lament any step that would put one of her great treasures, the National Park, into the hands of speculative individuals and out of the power of the government to manage it for the best interests of the whole people.

I am, sir, very respectfully, your obedient servant,

JNO. SCHUYLER CROSBY,

Governor of Montana.

HON. GEORGE G. VEST,

United States Senator, Washington, D. C.

APPENDIX D.

INSPECTOR-GENERAL'S OFFICE,

Washington, D. C., January 3, 1883.

HON. SIR: In compliance with your verbal request, I have the honor to submit, in writing, a few remarks in relation to the proposed lease of portions of the Yellowstone National Park.

I would regret exceedingly to see extensive privileges, of the kind set forth in the "agreement," ceded to any company. I am quite positive that the traveling public would derive very few advantages or benefits through the medium of such a charter. On the contrary, I believe the pleasure of a visit to these points of interest would be seriously impaired.

The seven grants of land mentioned in the lease cover all and every point of interest within the limits of the Park. The labor and expense of surveys could be saved by making a single grant of land to this company, and making the limits of the Park the limits of the grant.

Few persons visiting the Park would wish to remain longer than two or three days, either at the Yellowstone Falls, the Yellowstone Lake, or the Upper Geyser Basin.

These three points are the great attractions; a visit of a few hours at the other points would satisfy most people. After a few days' stay in the Park most persons are anxious to get out to where pure, cool drinking-water can be had.

Large hotels would not be profitable, nor are they needed; all that is required is a comfortable place where a clean bed and a reasonably good meal can be obtained. This can be accomplished by ceding to persons privileges similar to those granted to post traders at military posts. The trader is given sufficient ground upon which to erect a store and dwelling; and, at the expiration of his term of service, he is privileged to remove his buildings or to dispose of them to his successor. He has in no way a possible claim against the government. Under the proposed lease, I fear there would be no end to such claims.

The Department of the Interior might grant privileges for the erection of buildings for hotel purposes, without giving any further privileges—unless it be for the use of sufficient dead or fallen timber for fuel—to two or three persons at each of the points of interest.

The Superintendent of the Park should have five or six men, as a patrol for duty in the Upper Geyser Basin, for the protection of the cones and other formations in and about the geysers. The deposits and formations in this basin constitute about all that requires any special protection; no one can injure or carry off the Yellowstone Falls or the lake. As for game, there is none to be protected in or near any of the grants of land proposed to be ceded to this company.

A single troop of cavalry sent to the Park for two and a half months each summer would afford all the protection needed for the extinguishment of forest fires, and for the protection of the cones of the geysers; and this could be done with little or no expense to the War Department, and certainly with none to the Department of the Interior.

The facilities for reaching the Park from the railroads are increasing and improving annually. At Bozeman, Virginia City, Beaver Cañon, and other points, very good outfits can be had and at reasonable rates. As the travel to the Park increases, the accommodations to reach it are certain to improve. This first time I entered the Yosemite, I made the trip on the back of a mule; now visitors enter that famous valley in fine four-horse coaches. No extensive grants of land and extraordinary privileges were required to produce this great change for the comfort of travelers, nor are such grants and privileges needed to bring about a similar change to enable persons to reach the Yellowstone Park and its wonders.

From all parts of Montana and Idaho whole families visit these wonders, using their own teams and wagons and bringing with them all the conveniences for camping. This last summer I saw a number of these happy parties encamped within two hundred yards of "Old Faithful." Should this lease for 640 acres of land around "Old Faithful" be made, I fear these good people will find no spot near this grandest of geysers on which they will be permitted to pitch their tents, nor will they be able to find a place for the purpose wherever within the Upper Geyser Basin, as the 640-acre grant would cover every foot of ground in the basin. A lease that would deny persons the privilege of pitching their tents wherever they like within the limits of the Yellowstone Park would be a shame and an outrage.

Under the terms of this proposed lease a person traveling with his own conveyance might not be permitted to enter the Park. These grants of land are obstructions, as they bar every road leading into the Park. Article No. 7 of the lease gives to this company the right to equip such lines of stages and such other livery accommodations as may be deemed necessary for the conveyance of passengers to and from the boundaries of the Park, and to and from all points within the Park of interest to visitors. This not only gives this company exclusive privileges within the limits of the Park, but likewise for a hundred miles or more outside of its limits, within the Territories of Montana and Idaho. Might not such a grant cut off the only wagon road the inhabitants of Cook City (Clark's Fork Mines) have by which to reach the settled portion of Montana? This road passes through the Park for a distance of fifty miles or more and crosses two of the 640-acre grants of land, at Baronett's Bridge and at the Mammoth Spring.

As I have said above, all that is really needed at this time, or that will be required for some time to come, are a few comfortable lodging and eating houses at three or four of the more important points. Let there be an opportunity for competition, and there soon will be ample conveniences at the various points of interest for the comfortable accommodation of all those who may visit the Yellowstone Park; and there will be found no lack of good stage lines and livery accommodations for reaching the same.

I have seen statements in the papers, as coming from the individuals who are so deeply interested in these grants, that General Sheridan and his command, through their carelessness, had started numerous fires in the forests within the Park. I will state here that it has been my good fortune to accompany General Sheridan on his two trips to the Yellowstone; and I can state further that not in a solitary instance was a fire started from camp-fires, carelessness, or otherwise, on prairie or in

forests, either within the limits of the Park or along the route traveled over before reaching the Park or after leaving it. Instructions in relation to the care and extinguishment of camp-fires were invariably issued before starting on the trip, and not in a single instance were they disregarded.

I am, honorable sir, your obedient servant,

D. B. SACKET,

Brigadier and Inspector General, U. S. A.

Hon. G. G. VEST,
United States Senate.